

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
vs.) NO. 04-10214 GAO
MOHAMAD M. HAMADE)

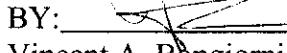
DEFENDANT'S MOTION TO DISMISS
(Multiplicity)

Now comes the defendant, Mohamad M. Hamade, by and through counsel, and moves this Honorable Court, pursuant to Federal Rule Crim Pro. Rule 12(2), for an order dismissing Counts I through III of the above entitled indictment or in the alternative for an order directing the government to make an election of which count to prosecute, and as his basis, therefore, asserts the following:

The government has divided a single crime into more than one count in violation of the Rule against Multiplicity thereby permitting multiple punishments for a single offense in violation of the Defendant's Fifth Amendment constitution protection against double jeopardy.

WHEREFORE, the defendant moves that counts I through III of the indictment be dismissed or in the alternative for an order directing the government to make an election.

THE DEFENDANT

BY: 
Vincent A. Bongiorni, Esq.
95 State Street, Suite 309
Springfield, MA. 01103
(413) 732-0222
BBO #049040

CERTIFICATE OF SERVICE

I, Vincent A. Bongiorni, Esq., do hereby certify that I have served a copy of the foregoing to the Assistant United States Attorney, United States District Court, 1550 Main Street, Springfield, MA. 01103 this 18th day of October, 2004.


Vincent A. Bongiorni